

mine operator to comply with mandatory health or safety standards under section 104(d) of the Mine Act;

The total number of flagrant violations under section 110 of the Mine Act;

The total number of imminent danger orders issued under section 107(a) of the Mine Act;

The total dollar value of Mine Safety and Health Administration, MSHA, proposed penalties and fines;

A list of the regulated worksites that have been notified by MSHA of a Pattern of Violation or a Potential to have a Pattern of Violations under section 104(e) of the Mine Act;

Any pending legal action before the Federal Mine Safety and Health Review Commission.

Any mining related fatalities.

In addition, any publicly-traded mining company must immediately disclose to the SEC if it receives a shutdown order under section 107(a) of the Mine Act, imminent danger, or receives notice that a mine site has a potential or actual pattern of violations.

I have always said that, first and foremost, this is about a company doing the right thing to develop a true culture of safety. That includes everyone, from the miner at the coal face to the Chairman of the Board.

If we are serious about making that culture a reality, shareholders need to be informed about safety too.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 3452. A bill to designate the Valles Caldera National Preserve as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that would transfer administrative jurisdiction of the Valles Caldera National Preserve from the Valles Caldera Trust to the National Park Service. I am pleased that my colleague from New Mexico, TOM UDALL, is cosponsoring the bill.

Between the New Mexico communities of Jemez Springs and Los Alamos, lies the Valle Grande, a magnificent valley surrounded by foothills and forested mountains. When standing in this valley, visitors begin to realize they are actually inside a larger bowl-shaped formation. This is the Valles Caldera—one of only three supervolcanoes in the United States. The oldest of the three—having formed 1.25 million years ago—the Valles Caldera is also the smallest. Yet the caldera rim spans more than 100,000 acres in area whose violent eruption created a volcanic ash plume that stretched from northern Utah to central Kansas. Because of its relatively small size as compared to the two other supervolcanoes in the U.S.—Yellowstone, WY, and Long Valley, CA, the Valles Caldera provides visitors with excellent opportunities to learn about large volcanic eruptions and their impacts on surrounding landscapes while they stand in a single

space to experience one of the world's best examples of an intact resurgent caldera. In 1975, the Valles Caldera received formal recognition as an outstanding and nationally significant geologic resource when it was designated a National Natural Landmark.

As is the case in many parts of New Mexico, the geologic history of the Valles Caldera is inextricably linked to our State's cultural history. For example, the people of Jemez Pueblo chose the area as the best site to establish their community. The Valles Caldera and the adjacent Jemez Mountains provided the Pueblo with an ample food and water supply, natural defenses, and weapon-making materials present in the many obsidian quarries found in the area. In fact, the obsidian was of such high quality that spearheads made from these quarries have been discovered as far away as eastern Mississippi and northern Mexico. Needless to say, the Valles Caldera and the peaks that formed within it are sacred and highly revered by Jemez Pueblo and many other nearby tribes and pueblos.

The volcanic ash dispersed by the volcano's eruption also had a lasting impact on the history of migration and settlement by Ancestral Puebloan people in the region. As the ash and pumice settled, it formed layers of sediment, and over time, rivers helped to carve these layers into deep canyons. Archeologists have found evidence of nomadic tribes following large mammals into the region, and Ancestral Pueblos built homes alongside and into the soft canyon walls. Many of these awe-inspiring settlements are protected in Bandelier National Monument, where the National Park Service educates visitors about how the unique volcanic history of the Valles Caldera made these settlements possible.

There is no question that this area is worthy of Federal protection, and efforts to preserve this area were proposed as early as 1899. However, it was only ten years ago that the Federal government was finally able to acquire this property for the American people. At that time, Senator Domenici and I were successful in passing the Valles Caldera Preservation Act which authorized the acquisition of the property and established an experimental framework for the management of the Preserve for a period of 20 years. The legislation established the Valles Caldera Trust, composed of a nine-member board of trustees, whose members are appointed by the President and have particular expertise in fields important to the management of the Preserve. The bill also directed the Trust to manage the Preserve in a manner that would achieve financial self-sustainability after fifteen years. Five years thereafter, the Trust would be. Although the individual members have done their best to fulfill the original legislative directives, time has shown in my opinion that this management framework is not the best suited for

the long-term management of the Preserve.

Part of the experimental management framework was a requirement that the Valles Caldera Trust manage the Preserve in a manner that would achieve financial self-sustainability while providing for public access and protection of the Preserve's natural and cultural resources. This has proved to be a virtually impossible mandate to satisfy. Since its inception, the Preserve has not received adequate funding under the current arrangement and is unlikely to in the foreseeable future. In addition, most members of the board and outside observers believe the Trust will be unable to achieve the financial self-sustainability requirements called for by the original Act. The Trust has also indicated an infusion of approximately \$15 million may be necessary to complete construction and deferred maintenance costs on the Preserve. I do not believe this funding will be forthcoming under the current management and budgetary framework. Moreover, much of the funding responsibility has been laid on the shoulders of Congress to provide the necessary annual funding that is not included in the President's annual budget. This arrangement is not sustainable in my opinion, and the existing statutory termination of the trust is looming.

With that said, the trust and its executive staff have made valuable progress in various areas of management. One prime example is the science and education program established by the Trust. Through the scientific activities on the preserve, the trust has been able to adapt its management based on the ecological demands of the caldera. The trust has promoted the scientific research of flora and fauna on the preserve and the impacts of climate change in the Jemez Mountains to cite a few of their ongoing activities. It is my belief that the transition in management should allow for the retention of the best management practices that the Trust has achieved.

Many New Mexicans have told me that they would like the preserve to be managed by an agency that will expand visitation and recreational opportunities while also ensuring the protection of the preserve's unique resources. Simply put, while my constituents eagerly want more access, they have stated clearly and directly—"Don't overrun it."

I believe the National Park Service is best suited to manage the preserve while ensuring its long-term conservation.

The National Park Service's mission supports the activities called for most by my constituents, including expanded recreational opportunities, scientific study, and the interpretation of the natural and cultural resources in the preserve. As I discussed earlier, the Preserve provides a world-class opportunity for the interpretation of the geologic history of this unique area and of the fascinating geologic and cultural history that binds the Valles